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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,651	03/23/2004	Stephen V. Saliga	72255/00019	2573
23380	7590	06/27/2007		
TUCKER ELLIS & WEST LLP			EXAMINER	
1150 HUNTINGTON BUILDING			YUN, EUGENE	
925 EUCLID AVENUE				
CLEVELAND, OH 44115-1414			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			06/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/806,651	SALIGA ET AL.
Examiner	Art Unit	
Eugene Yun	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on \_\_\_\_.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-27 is/are rejected.
- 7)  Claim(s) \_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 23 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Proctor et al. (US 7,233,627).

Referring to Claim 1, Proctor teaches a configurable antenna system comprising:

An antenna arrangement for selectively varying between first and second operational positions (see col. 5, lines 37-41) such that:

Wherein in the first operational position, the antenna arrangement operates in an omni-operational antenna mode (see col. 5, line 40); and

Wherein the second operational position, the antenna arrangement operates in a directional antenna mode (see col. 5, line 41); the antenna system further comprising:

A signal reflecting member for cooperating with the antenna arrangement in the second operational position, to substantially establish the antenna arrangement in a directional antenna mode configuration (see col. 7, line 62 to col. 8, line 4).

Referring to Claim 10, Proctor teaches a wireless access point for a wireless local area network comprising:

A radio component comprising suitable radio electronics circuitry for converting electronic signals back and forth into wireless radio frequency signals (see 100 in fig. 1);

An antenna arrangement for transmitting and receiving the wireless radio frequency signals, and for selectively varying between first and second operational positions (see col. 5, lines 37-41) such that:

Wherein in the first operational position, the antenna arrangement operates in an omni-directional antenna mode (see col. 5, line 40); and

Wherein in the second operational position, the antenna arrangement operates in a directional antenna mode (see col. 5, line 41); the antenna system further comprising:

A signal reflecting member for cooperating with the antenna arrangement in the second operational position, to substantially establish the antenna

arrangement in a directional antenna mode configuration (see col. 7, line 62 to col. 8, line 4).

Referring to Claim 20, Proctor teaches a method of antenna operation in a wireless telecommunications system comprising:

Providing an antenna arrangement for selectively varying between first and second operational positions (see col. 5, lines 37-41);

Displacing the antenna arrangement to the first operational position where the antenna arrangement operates in an omni-directional mode (see col. 5, line 40);

Displacing the antenna arrangement to the second operational position (see col. 5, line 41) where the antenna arrangement cooperates with a signal reflecting member for operating in a directional antenna mode (see col. 7, lines 62 to col. 8, line 4).

Referring to Claims 2, 11, and 21, Proctor also teaches a diversity pair of omni-directional antennas (see fig. 5A).

Referring to Claims 3, 12, and 22, Proctor also teaches the diversity pair of omni-directional antennas formed on a circuit board (see col. 5, lines 1-10).

Referring to Claims 4, 13, and 23, Proctor also teaches a switch for detecting whether the antenna arrangement is in a respective one of the first operational position, for enabling the omni-directional antenna mode, and the second operational position, for enabling the directional operational mode (see col. 6, lines 43-48).

Referring to Claims 5, 14, and 24, Proctor also teaches a pivot member for pivotally varying the antenna arrangement between the first and second antenna positions (see col. 8, lines 20-27).

Referring to Claims 6, 15, 25, and 26, Proctor also teaches the first operational position substantially perpendicular with respect to a housing component, and wherein the second operational position substantially parallel with respect to the housing component (see col. 8, lines 42-49).

Referring to Claims 7, 16 and 27, Proctor also teaches that in the second operation position, the antenna arrangement is substantially proximate to the signal reflecting member, so as to provide a signal reflection from the antenna arrangement (see col. 7, lines 62 to col. 8, line 4).

Referring to Claims 8 and 17, Proctor also teaches the signal reflecting member formed integrally with a metal and reflective access point housing (see col. 7, lines 62 to col. 8, line 4).

Referring to Claim 9, Proctor also teaches the antenna system incorporated in a wireless access point for use with a wireless local area network (see col. 7, lines 55-61).

Referring to Claim 18, Proctor also teaches the radio component comprising means for converting signals between a wireless protocol and a wired network protocol (see col. 6, line 63 to col. 7, line 15).

Referring to Claim 19, Proctor also teaches converting signals from between the IEEE 802.11 wireless protocol and the IEEE 802.3 wired network protocol (see col. 6, line 63 to col. 7, line 15).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*EY*  
Eugene Yun  
Examiner  
Art Unit 2618

EY

*MA*  
MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER